

REMARKS

3 Claims 1-4 and 8-16 have been presented for
4 examination in Amendment A of the above-identified U.S.
5 Patent Application.

7 Claims 14 and 8-16 have been rejected in the Office
8 Action dated August 10, 2007, the Office Action imposing a
9 Final Rejection on all Claims.

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11 Claims 1-3 and 8-14 have been amended by this
12 Amendment under Rule 116

14 Claim 4 has been cancelled by this Amendment A.

16 Claims 1-3, and 8-16 are still in the Application and
17 reconsideration of the Application is hereby respectfully
18 requested.

20 Referring to the Office Action dated August 10, 2007,
21 Referring to Page 3 of the Office Action, Claims 8 and 9
22 have been rejected under 35 U.S.C. 102(b) as being
23 anticipated by U.S. Patent 6,035,135 issued in the name of
24 Okamura (here-in-after referred to Okamura). Referring to
25 Page 4, Claim 1 has been rejected under 35 U.S.C. 103(a) as
26 being unpatentable over U.S. Patent 5,614,978 issued in the
27 name of Kanzaki (here-in-after referred to as Kanzaki).
28 Referring to Page 5 of the Office Action, Claim 2 has been
29 rejected under 35 U.S.C. 103(a) as being unpatentable over
30 Kanzaki, cited above, in view of U.S. Patent 4,272,176

1 issued in the name of Maitani (here-in-after referred to as
2 Maitani). Claims 3 and 4 have been rejected under 35
3 U.S.C. 103(a) as being unpatentable over Kanzaki, cited
4 above, in view of the prior art admitted by Applicant.
5 Referring to Page 7, Claims 10-12 have been rejected under
6 35 U.S.C. 103(a) as being unpatentable over Okamura, cited
7 above, in view of U.S. Pub. 2004/0075743, published under
8 the name of Chatani et al, (here-in-after referred to as
9 Chatani). Referring to Page 8 of the Office Action, Claim
10 13 has been rejected under 35 U.S.C. 103(a) as being
11 unpatentable over Kanzaki, cited above, in further view of
12 U.S. Pub. 2005/0007486, published under the name of Fujii
13 et al (here-in-after referred to as Fujii). Referring to
14 Page 10, Claims 14-16 have been rejected under 35 U.S.C.
15 103 as being unpatentable over Kanzaki, cited above, in
16 further view of Fujii, cited above, in still further view
17 of Chatani, cited above.

18

19 Referring to the rejection of independent Claim 1
20 under 35 U.S.C. 103(a) over Kanzaki, the Kanzaki reference
21 involves a camera system with a two curtain shutter. The
22 shutter is activated in the following manner. A first
23 curtain is moved, thereby exposing the photosensitive
24 surface for the recording of the image. The second shutter
25 is used to stop the exposure, the second shutter moving
26 between the source being photographed and the
27 photosensitive surface. Therefore to capture a signal
28 image, the movement of the two curtains is required. When
29 the first curtain is not moved, the image never reaches the
30 photosensitive surface and no image is recorded. If, once

1 the first curtain is moved, the second curtain is not
2 moved, then the image is continually focused on the
3 photosensitive surface and the image will be eventually
4 over-exposed. Therefore, the action of both curtains is
5 required to form an image on the photosensitive surface.
6 The relative motion of the two curtains determines exposure
7 time on the photosensitive element. Applicant respectfully
8 suggests that Examiners interpretation of the text and
9 Figures (column 1, lines 12-17 and column 2, lines 40-49
10 and Fig. 1 and Fig. 4) is not accurate. The action of the
11 two curtain shutter, as summarized above, requires that,
12 with the activation of the first shutter, the image begins
13 to form. The formation of the image is halted with the
14 activation of the second curtain. Thus, applicant
15 maintains that the action of both curtains acts in the
16 manner of a simple shutter, the activation of either
17 curtain alone will not result in an image. The activation
18 of both curtains in a proper sequence results in an image.
19 The two curtains provide a single shutter and the relative
20 activation of the two curtains determines the shutter time.
21 This operation is most easily understood from the first
22 part of Claim 1 of the Kanzaki reference. In Claim 1 of the
23 Application, this claim has been amended to indicate that a
24 simulated image acquisition is followed by an actual image
25 acquisition. The language used in the amended Claim is
26 supported by the Specification and is included to clarify
27 the invention. In addition, Claim 1 has been amended to
28 relate to a human subject because there would be no point
29 in the invention for a non-human subject. There is no
30 disclosure and no teaching in the Kanzaki reference of

1 first providing a simulated image acquisition and, after a
2 time, an actual image acquisition. In the Kanzaki
3 reference, the two curtains provide a signal shutter.
4 There is no simulated image acquisition in the Kanzaki
5 reference. In view of the foregoing discussion and
6 amendments, it is believed that this Claim clearly
7 distinguishes over the Kanzaki reference. Therefore,
8 rejection of Claim 1 under 35 U.S.C. 103(a) over Kanzaki is
9 respectfully traversed.

10

11 Referring to Claim 2, claim 2 has been rejected under
12 35 U.S.C. 103(a) as unpatentable over Kanzaki in view of
13 Maitani. Claim 2 depends from Claim 1 and for that reason
14 is believed, from the discussion above, to be in condition
15 for allowance. In addition, the Maitani reference
16 describes a camera in which sound provides a status of the
17 operating conditions. The instant Claim 2 teaches away
18 from the reference because, during the simulated image
19 acquisition, the sounds are not related to an operational
20 status but are meant to fool a human subject. Therefore,
21 rejection of the Claim 2 under 35 U.S.C. 103(a) over
22 Kanzaki in view of Maitani, is respectfully traversed.

23

24 Referring to Claim 3, Claim 3 depends from Claim 2
25 (and Claim 1). Claims 1 and 2 are believed to be in
26 condition for allowance from the foregoing discussion.
27 Therefore, rejection of Claim 3 under 35 U.S.C. 103(a) over
28 Kanzaki in view of Applicant's admitted prior art is
29 respectfully traversed.

30

1 Claim 8, the second independent Claim in Application,
2 and Claim 9 have been rejected under 35 U.S.C. 102(b) as
3 being anticipated by Okamura. Claim 8 includes the
4 limitations of a "human subject" and "simulating" the
5 acquisition of an image of the "human" subject. The
6 "simulating" only makes sense in terms of the disclosure,
7 i.e., how would someone simulate image acquisition for a
8 non-human subject. Furthermore, reviewing the Okamura
9 reference, no simulation is described. The image
10 acquisition in the Okamura reference is real and is used to
11 determine photometric properties of the image (not
12 necessarily human) in order to adjust the subject
13 illumination. Stated another way, the Okamura reference
14 describes the acquisition of a real image and not of a
15 simulated image. Only with a real image can the
16 photometric properties be described. The reality and the
17 use of the image described in Okamura are summarized in the
18 Abstract of the Disclosure. The Abstract confirms what has
19 been stated above, i.e., a real image is obtained and the
20 properties of the real image are used to adjust the
21 illumination of the image. While the foregoing discussion
22 has been given for Claim 8, the same arguments are
23 pertinent for Claim 9. In view of the foregoing
24 discussion, rejection of Claims 8 and 9 under 35 U.S.C.
25 102(b) over Okamura is respectfully traversed.

26

27 In view of the fact that Claim 1 is believed to be in
28 condition for allowance, Claims 13-16, depending there from
29 are, are believed to be in condition for allowance.
30 Similarly, in view of the fact that Claims 8 and 9 are

1 believed to be in condition for allowance, Claims 10-12,
2 depending there from, are believed to be in condition for
3 allowance.

4

5 Therefore, rejection of Claims 1-3 and 8-16 under 35
6 USC 102 (a) or under 35 USC 102(b) under either Kanzaki
7 and/or Okamura, and/or Chatani, and/or Maitani, and/or
8 Fujii, is respectfully traversed.

CONCLUSIONS

In view of the foregoing discussion and the foregoing amendments, it is believed that Claims 1-3, and 8-16 are now in condition for allowance of and allowance of Claims 1-3, and 8-16 is respectfully requested. Applicant hereby respectfully requests a timely Notice of Allowance be issued for this Application.

10 Should any issues remain that could be resolved by a
11 telephonic interview, Examiner is requested to telephone
12 the undersigned attorney.

Respectfully submitted,

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